UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply to
Attn Of: OWW-131

JUL 2 3 2006

Ron Suppah, Chairman
Confederated Tribes of the Warm Springs Indian Reservation of Oregon
P.O. Box C
Warm Springs, OR 97761

Dear Chairman Suppah:

The U.S. Environmental Protection Agency (EPA) has completed its review of the following Confederated Tribes of the Warm Springs Reservation of Oregon *Water Quality Standards, Beneficial Uses, and Treatment Criteria* revisions: addition of a definition for 7Q10, addition of a low flow provision applicable to the numeric temperature criteria found at Provision 432.100(2)(b)(C), Provision 432.100(2)(e)(A)(i) bacteria criteria for the protection of human health, toxic substances Provision 431.100(p)(B) and Table 3 *Water Quality Criteria Summary*. I am pleased to inform you that EPA is approving the following as described below: the addition of a definition for 7Q10, addition of a low flow provision applicable to the numeric temperature criteria found at Provision 432.100(2)(b)(C), Provision 432.100(2)(e)(A)(i) bacteria criteria for the protection of human health and Table 3 *Water Quality Criteria Summary* human health (water and fish ingestion and fish consumption only criteria) and aquatic life criteria that were revised, refined, or withdrawn.

BACKGROUND

On February 20, 1998, the Confederated Tribes of the Warm Springs Indian Reservation of Oregon submitted an application to the EPA for approval to administer the Water Quality Standards (WQS) program. On May 21, 1999, EPA approved that application, authorizing the Tribe to administer the WQS pursuant to Clean Water Act CWA § 303(c) for waters within the Reservation and to conduct CWA § 401 certification. The Tribe's WQS regulations have been in effect for tribal and CWA purposes since this date.

On November 20, 1998, the Tribes submitted to EPA *Water Quality Standards (WQS), Beneficial Uses, and Treatment Criteria,* contained in Ordinance 80, for review. Minor revisions to Ordinance 80 were adopted by Tribal Council on July 10, 2001, and submitted to EPA on July 31, 2001. Receipt of the standards initiated EPA's review pursuant to Section 303(c) of the CWA and the WQS regulations. On September 28, 2001, the EPA approved the majority of the WQS adopted by the Confederated Tribes of

the Warm Springs Indian Reservation of Oregon. On November 28, 2005, EPA approved several aquatic life criteria values in Table 3 as well as Provision 432.100(2)(m).

On November 14, 2005, EPA received a copy of draft revised water quality standards from the Confederated Tribes of the Warm Springs Reservation of Oregon. On December 28, 2005, the EPA submitted comments on these draft revisions of the water quality standards to the Confederated Tribes of the Warm Springs Reservation of Oregon. On June 5, 2006, EPA received the final revised water quality standards from the Confederated Tribes of the Warm Springs Reservation of Oregon. On July 19, 2006, EPA received an errata sheet from the Tribes to correct some minor typographical errors and additional corrections to the revised water quality standards. In the errata sheet, the Confederated Tribes of the Warm Springs Reservation of Oregon notified EPA that it had withdrawn the numeric criteria for protection of drinking water Maximum Concentration Levels (MCLs). Therefore EPA is not acting on the drinking water MCL numeric criteria in today's action.

TODAY'S ACTION

I am pleased to inform you that EPA Region 10 is approving the following:

1. Provision 432.100(2)(e)(A)(i) Bacteria Criteria for the Protection of Human Health
2. Table 3 *Water Quality Criteria Summary*: Revised Human Health Criteria (Identified in attached Table: "Revised Criteria Approved in EPA July 19, 2006 Action".)
3. Table 3 *Water Quality Criteria Summary*: Withdrawn Human Health Criteria
4. Table 3 *Water Quality Criteria Summary*: Refined Pollutants List Human Health Criteria

Furthermore, subject to the results of consultations under Section 7(a)(2) of the Endangered Species Act (ESA), EPA Region 10 is approving the following:

1. Definitions: Addition of 7Q10
2. Provision 432.100(2)(b)(C): Low Flow Provision Applicable to the Numeric Temperature Criteria
3. Table 3 *Water Quality Criteria Summary*: Revised Aquatic Life Criteria (Identified in attached Table: "Revised Criteria Approved in EPA July 19, 2006 Action".)
4. Table 3 *Water Quality Criteria Summary*: Withdrawn Aquatic Life Criteria

Section 7 of the ESA requires federal agencies to consult with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration (NOAA) – Fisheries on federal actions which may have the potential to affect listed and proposed endangered and threatened species, and listed habitat. The approval of the definition for 7Q10, Provision 432.100(2)(b)(C), revised aquatic life criteria found in Table 3 *Water Quality Criteria Summary* and withdrawn aquatic life are being made subject to the

Act," EPA has explicitly stated that it retains its discretion to take appropriate action if the consultation identifies deficiencies in the standards requiring remedial action by EPA. EPA retains the full range of options available under Clean Water Act Section 303(c) for ensuring water quality standards are environmentally protective.

We will be in contact with the Tribes as we proceed through the ESA consultation, and will consult with you regarding measures that may be recommended by U.S. Fish and Wildlife Service and NOAA Fisheries to address any concerns for protection of listed threatened or endangered species.

EPA action is not required on the following:

1. Provisions 432.100(p)(B) Toxic Substances Revisions and Revisions Found at the End of Table 3 *Water Quality Criteria Summary*
2. Table 3 *Water Quality Criteria Summary*: Human Health Criteria That Were Not Revised
3. Table 3 *Water Quality Criteria Summary*: Aquatic Life Criteria That Were Not Revised
4. Table 3 *Water Quality Criteria Summary*: Removal of Phosphorous and Trimethyl Chlorophenol 4- for Which No Criteria Were Adopted

EPA Region 10 appreciates the ongoing work of the Confederated Tribes of the Warm Springs Reservation of Oregon in developing and implementing water quality standards. We look forward to our continued work with you as you implement these water quality standards.

If you have questions concerning this letter, please call me or Jannine Jennings, Manager, Water Quality Standards Unit, (206) 553-2724, or have your staff call Becky Lindgren, Water Quality Standards Unit, (206) 553-1774.

Sincerely,

Michael F. Gearheard, Director
Office of Water and Watersheds

Enclosure 1

Revised Criteria Approved in July 19, 2006 Action				
Compound Name	Aquatic Life Criteria (µg/L)		Human Health Criteria (µg/L)	
	Acute	Chronic	Water & Fish Ingestion	Fish Consumption Only
Acenapthene			97.4	102
Acrolein			28.3	29.9
Acrylonitrile			0.0183	0.0245
Aldrin			0.00000517	0.00000519
Anthracene			2960	4120
Antimony			5.16	65.9
Arsenic	340	150	0.00422	0.00535
Asbestos			7.0+E06 fibers/L	
Benzene			0.441	1.44
Benzidine			0.000018	0.0000205
Benzo(a)Anthracene			0.00135	0.00188
Benzo(a)Pyrene			0.00135	0.00188
Benzo(b)Fluoranthene			0.00135	0.00188
Benzo(k)Fluoranthene			0.00135	0.00188
BHC alpha-			0.000461	0.000503
BHC beta-			0.00161	0.00176
BHC gamma- (Lindane)	0.95	0.08	0.174	0.19
Bromoform			3.36	13.9
Butylbenzyl Phthalate			193	199
Cadmium	2	0.25		
Carbon Tetrachloride			0.104	0.169
Chlordane			0.0000834	0.0000834
Chlorobenzene			74.6	160
Chlorodibromomethane			0.316	1.31
Chloroethane				
Bis (2-Chloroethyl) Ether			0.0201	0.0543
Bis (Chloromethyl) Ether			0.000025	0.0000297
Chloroform			4.35	18
Bis (2-Chloroisopropyl) Ether			1160	6670
Butylbenzyl Phthalate			193	199
2-Chloronaphthalene			154	163

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Compound Name	Aquatic Life Criteria (µg/L)		Human Health Criteria (µg/L)	
	Acute	Chronic	Water & Fish Ingestion	Fish Consumption Only
Chromium (III)	570	74		
Chromium (VI)		11		
2-Chlorophenol			14.1	15.4
Chrysene			0.00135	0.00188
Copper	13	9	1300	
Cyanide	22	5.2	129	129
DDT 4,4'-			0.0000226	0.0000226
DDE 4,4'-			0.0000226	0.0000226
DDD 4,4'-			0.000032	0.000032
Dibenzo(a,h)Anthracene			0.00135	0.00188
1,2 Dichlorobenzene			110	133
1,3 Dichlorobenzene			81.9	99.2
1,4 Dichlorobenzene			16.4	19.8
3,3'Dichlorobenzidine			0.00283	0.00293
Dichlorobromomethane			0.428	1.77
1,2 Dichloroethane			0.349	3.77
1,1 Dichloroethylene			237	735
2,4 Dichlorophenol			23.5	30.4
1,2 Dichloropropane			0.387	1.5
1,3 Dichloropropene			0.301	2.17
Dieldrin	0.24	0.056	0.0000055	0.00000551
Diethyl Phthalate			3890	4510
2,4 Dimethylphenol			78	87.8
Dimethyl Phthalate			86200	114000
Di-n-Butyl Phthalate			409	463
2,4 Dinitrophenol			62.1	549
Dinitrophenols			62	545
2,4 Dinitrotoluene			0.0851	0.348

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Compound Name	Aquatic Life Criteria (µg/L)		Human Health Criteria (µg/L)	
	Acute	Chronic	Water & Fish Ingestion	Fish Consumption Only
Dioxin (2,3,7,8 TCDD)			5.27E-10	5.28E-10
1,2 Diphenylhydrazine			0.014	0.0207
Bis (2-Ethylhexyl) Phthalate			0.207	0.226
Endosulfan alpha-			8.77	9.15
Endosulfan beta-			8.77	9.15
Endosulfan Sulfate			8.77	9.15
Endrin	0.086	0.036	0.0062	0.00622
Endrin Aldehyde			0.031	0.0311
Ethylbenzene			167	220
Fluoranthene			14.2	14.3
Fluorene			394	549
Heptachlor			0.00000816	0.00000817
Heptachlor Epoxide			0.00000404	0.00000404
Hexachlorobenzene			0.0000296	0.0000296
Hexachlorobutadiene			0.363	1.90
Hexachloroethane			0.298	0.338
Hexachlorocyclopentadiene			30.7	114
Ideno (1,2,3-cd) Pyrene			0.00135	0.00188
Isophorone			26.8	99
Lead	65	2.5		
Mercury	1.4			
Methyl Bromide			37.2	154
2-Methyl 4,6-Dinitrophenol			9.3	29.2
Methylene Chloride			4.34	61
Methylmercury				0.031 mg/kg
Nickel	470	52	140	175
Nitrobenzene			14	71.2
N-Nitrosodibutylamine			0.00501	0.0224

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Compound Name	Aquatic Life Criteria (µg/L)		Human Health Criteria (µg/L)	
	Acute	Chronic	Water & Fish Ingestion	Fish Consumption Only
N-Nitrosodimethylamine			0.000685	0.311
N-Nitrosodiphenylamine			0.569	0.618
N-Nitrosodi-n-Propylamine			0.00456	0.0521
Nitrosopyrrolidiine, N			0.0164	3.51
PCBs			0.0000066	0.0000066
Pentachlorobenzene			0.154	0.155
Pentachlorophenol	19	15	0.151	0.312
Phenol			18880	176000
Pyrene			296	412
Selenium	l,t		124	429
Silver	3.2			
1,2,4,5 Tetrachlorobenzene			0.109	0.11
1,1,2,2 Tetrachloroethane			0.123	0.412
Tetrachloroethylene			0.244	0.338
Thallium			0.0438	0.0483
Toluene			733	1540
Toxaphene			0.0000285	0.0000286
1,2 Trans-Dichloroethylene			123	1040
1,2,4 Trichlorobenzene			6.55	7.22
1,1,2 Trichloroethane			0.444	1.61
Trichloroethylene			1.46	3.08
2,4,5 Trichlorophenol			338	374
2,4,6 Trichlorophenol			0.231	0.25
Vinyl Chloride			0.0227	0.251
Zinc	120	120	2100	2630

l. The CMC=1/[f1/CMC1)+(f2/CMC2)] where f1 and f2 are the fractions of total selenium that are treated as selenite and selenate, respectively, and CMC1 and CMC2 are 185.9 h/L and 12.82 g/L, respectively.

t. This recommended water quality criterion for selenium is expressed in terms of total recoverable metal in the water column. It is scientifically acceptable to use the conversion factor (0.996-CMC or 0.922-CCC) that was used in the GLI to convert this to a value that is expressed in terms of dissolved metal.